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ANYTIME SOON

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Classified By: USEU Pol M-C Chris Davis for reasons 1.4(b) and (d).

I1. (SBU) Summary: EU Interlocutors told us in separate conversations over the past two weeks that Irish Prime Minister Cowen will not present a plan for Lisbon Treaty ratification at this week's European Council meeting, but instead will briefly present Dublin's understanding of why the first referendum failed and describe his government's consultations on a way forward. The other Member States will probably expect the Government of Ireland to reveal a more concrete way forward at the December European Council meeting, although the Irish are not promising to have a specific plan by that time. No one expects that plan will include another referendum before the June 2009 European Parliament elections, which will therefore take place under Nice Treaty rules. EU officials hope, however, that all Member States will ratify the Lisbon Treaty before the end of the current European Commission mandate on October 31, 2009 ) suggesting that a second Irish referendum would occur in September or October. In the meantime, the EU will probably offer the Irish "clarifications" on the treaty and may work to ensure that each Member State will keep its Commissioner as it looks to clear the way for Irish ratification. End Summary.

A PLAN IN DECEMBER

I2. (SBU) Over the last two weeks, PolOff met with Council Secretariat, the Irish and French delegations, and think tanks to understand the state of play on the Lisbon Treaty. Interlocutors confirmed that preparatory work on treaty implementation has stopped and that Brussels is waiting for direction from the Government of Ireland. Irish Foreign Minister Micheal Martin told a European Parliament committee on October 6 that the Irish parliament is in the midst of an all-party debate on the issue and that it was too early for Dublin to offer a way forward at the October 15 European Council. The press officer at the Irish mission in Brussels told PolOff on October 14 that Irish Prime Minister Cowen would present the findings of the official study into why the referendum failed and would describe the Government of Ireland's internal discussions and consultations with other Member States on the issue. A member of the French delegation on October 9 said France was not pressuring Ireland to put a plan in place yet, but was simply offering support. the Irish press officer confirmed that the other Member States were understanding of Ireland's predicament and

were not pressing Dublin for immediate results.

¶3. (C) France would like to see Ireland lay out a road map for ratification at the December European Council, Thomas Bondiguel of the French delegation said, but would not be overly concerned if that did not happen. Guy Milton, Principal Administrator in the Council Secretariat's Directorate for General Policy Questions, however, suggested a number of Member States, especially France, were eager to see Ireland present a plan in December. The Irish mission's press officer told PolOff that Ireland had established a special parliamentary committee on Ireland's participation in the EU, which would conclude its work by the end of November. This should allow PM Cowen to return to the European Council in December with a notional way forward, she said, but Dublin is not promising to have a complete plan with "all the i's dotted and t's crossed." (Comment: It seems likely that the Government of Ireland does not want to put forward a plan for a second referendum unless it expects to win -- an issue complicated by the Irish economic downturn.)

#### A SECOND REFERENDUM NEXT FALL?

¶4. (C) All non-Irish interlocutors agree that the only way forward is a second referendum, but expect that the Irish will put that referendum off until after the European Parliament elections in June 2009 (meaning those elections will take place under Nice Treaty rules. The Irish mission's press officer would not commit to a timeline, but acknowledged that ratification by June 2009 would be difficult. According to Milton, to have the Lisbon Treaty govern the elections, ratification would have to be complete

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in all 27 Member States by early March) an inconceivable timeline the Irish will not try to meet. Instead, he expected a second referendum in September or October 2009, just before the Commission's mandate expires. The French mission's Bondiguel echoed Milton's expectation of a referendum next fall. Waiting any longer for a second referendum would complicate matters, Milton said, because of the likelihood of elections in the UK in early 2010 and the Conservative Party's pledge to put the treaty up for a referendum if elected. To ensure a referendum before the end of 2009, several interlocutors suggested that the European Council in December could set a date by which it would expect ratification in all 27 Member States, promising to revisit the issue if this goal has not been reached.

¶5. (C) Irish FM Martin, for his part, refused to commit even to putting the treaty up for a second referendum. The Irish Mission's public affairs officer echoed this line, saying Ireland was not taking any options off the table yet. (Comment: The Government of Ireland clearly does not want to be pinned down yet and would like to put some distance between the No vote in June and any concrete plan for a second referendum. End Comment.)

¶6. (SBU) A successful second referendum before October 31, 2009 would permit the new European Commission to take office under the Treaty of Lisbon. This would mean a Commission of 27 -- at least until 2014 -- whereas the Nice Treaty would require the Commission to shrink immediately. Interlocutors here suggest that the Council may have to extend the current Commission's mandate by two to three months to allow enough time for a new one to be appointed under Lisbon rules.

#### CONCESSIONS FOR THE IRISH

¶7. (C) In the meantime, Brussels is preparing to offer concessions to the Irish to make success more likely the second time around. Most interlocutors expect the Council as early as December to offer clarifications assuring the Irish that the Lisbon Treaty would not undermine Irish neutrality, abrogate Ireland's abortion laws, or overrule its tax laws. Guy Milton said consensus is also developing to keep the European Commission at one Commissioner per Member State in

perpetuity if the Lisbon Treaty passes, rather than reducing the size of the Commission beginning in 2014. Such a step would presumably allay Irish voters, concerns about & losing their Commissioner.<sup>8</sup> Milton, along with think tankers Antonio Missiroli and Sebastian Kurpas, speculated that the European Council could decide as early as the December summit to maintain one Commissioner per Member State. Kurpas, of the Center for European Policy Studies, said one way to do this would be to have a unanimous Council decision in December that would take force with Lisbon's ratification.

Another option offered by Guy Milton would be for the Council in December to declare its & solemn undertaking<sup>8</sup> to keep the Commission at one per Member State, then to make an official decision after Lisbon's ratification. This might upset EU lawyers who could claim it violates the spirit of the Lisbon Treaty, Milton said, but he doubted the lawyers would stand in the way of a unanimous Council vote.

**¶8.** (C) Comment: None of these steps would guarantee a successful second referendum in Ireland. Nor would any of them ensure success in the other Member States which have yet to ratify the treaty: the Czech Republic, Sweden, Poland, and Germany. This state of affairs complicates the French Presidency's efforts to gain approval in all other Member States in order to make a second Irish referendum into a referendum on the broader issue of Irish participation in the Union. End Comment.

MURRAY

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